

11.07.2022
rc/ct.no.10
Item No.06

WPA No. 20035 of 2019

Mr. Partha Pratim Roy
Mr. S. Sanyal
Mr. D. Banerjee
Mrs. Poulami Chakraborty ...for the Petitioner

Mr. Chandi Charan De
Mrs. Srilekha Bhattacharjee ...for the State

Mrs. Monika Roy for the NHAI

The grievance of the petitioner is that his land measuring about 960 sq. ft. in J.L.No. 90, R.S.Plot No. 1072, L.R.Plot No. 804, Police Station Kotwali, Mouza – Paschim Bhatjangla, District Nadia has been acquired by the respondents for widening of National Highway – 34 but no compensation was granted to the petitioner for the same. Several representations were submitted by the petitioner before the authority in this regard which fell on deaf ears. Subsequently, the petitioner submitted a representation through his learned advocate before the authority on 26.08.2019 pursuant to which the Officiating Project Director referred the matter to the competent authority under the National Highways Act, 1956 (in short, "the Act of 1956") on 30.08.2019 for taking necessary action.

Learned advocate for the petitioner submits that no further step has been taken by the authority till date.

It is submitted on behalf of the respondents that the 3rd respondent should be directed to deal with the matter in accordance with law.

Upon consideration of the submission made by the learned counsel appearing on behalf of the parties this Court is of the view that as the representation submitted on behalf of the petitioner has been forwarded to the competent authority for taking necessary action, the authority should be directed to dispose of the same within a stipulated time frame.

Accordingly, this writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted on behalf of the petitioner dated 26.08.2019 within one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

In the event the petitioner is found entitled to compensation, such compensation should be paid to the petitioner within one month thereafter.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)